

The examiner has not made any requirement based on the subject matter being independent. Therefore it is understood that the examiner concedes that the subject matter is not independent.

The examiner's requirement for restriction is based upon his holding that the subjects are distinct. That is, as pointed out in Section 802.01, the examiner has held the subject matter as claimed:

are capable of separate manufacture, use or sale as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER.

The examiner has held under Section 803 that the claimed inventions are:

are able to support separate patents and they are ... distinct (MPEP Section 806.05-806.05(i)).

The invention is unitary. No restriction should be required.

The claims are not distinct. In both examples given on page 2, section 2, lines 5-13, the examiner has suggested features not as claimed.

As claimed is an independent and necessary part of the restriction requirement. The inventions must be distinct as claimed. MPEP 803.

The invention is unitary and arises from one inventive effort.

Claim 1 as claimed is substantially identical to claim 14. Each element and interconnection of claim 1 as claimed is present as a step in claim 14 as claimed. The same is true in claims 2 and 15, 3 and 16...and in 13 and 26. Each of the method claims is a linking claim which links the apparatus in its corresponding apparatus claim 14-1, 15-2, 16-3, ... 26-13.

In the hypothetical examples on page 2, lines 9-13 that the examiner has given, if the apparatus as claimed could be used for specific treatment of NO_x, SO_x and or halogens, the process as claimed could be used for specific treatment of NO_x, SO_x and or halogens.

If the process as claimed could be practiced by using the apparatus as claimed further comprising hypothetically a specific catalytic and/or absorbing means, then the process as claimed could be practiced by using the apparatus as claimed further, compromising that specific catalytic and/or absorbing means.

MPEP 806 provides that if the inventions are not distinct as claimed, restriction is never proper.

The apparatus as claimed in Group I claims is not distinct from the method as claimed in the Group II claims. For example, the method as claimed in claim 14 (Group II) is not distinct from the apparatus as claimed in claim 1 (Group I). The examiner's examples do not take into account claim 14 in which the method as claimed cannot be used in another materially different apparatus than the apparatus as claimed in claim 1. The examiner's hypothetical examples are not correct. Moreover, Section 806.05(h) emphasizes "as claimed" and falls under the cautions of 806 and 806.05. "Where the inventions are related as disclosed but are not distinct as claimed, restriction is never proper. M.P.E.P. 806(c)". In the present case the particular criteria and guidelines of MPEP 803 and 806 must be followed.

The invention is unitary.

The invention is not distinct as claimed.

The invention as claimed results from the same inventive effort.

Restriction should not be required.

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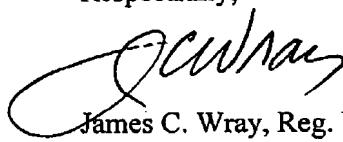
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CONCLUSION

Reconsideration and allowance of the application are respectfully requested.

Reconsideration and withdrawal of the restriction requirements are requested.

Respectfully,



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